

of the above-identified patent application stand rejected under the judicially created doctrine of double patenting in view of the claims of issued U.S. Patent No. 6,226,776 B1. On the one hand, pending claims 1-7, 11, 13, 25-31, 35, 37, and 49-55 stand rejected under 35 U.S.C. § 101 as allegedly claiming the same invention claimed by claims 1-54 of issued U.S. Patent No. 6,226,776 B1. On the other hand, pending claims 8-10, 12, 18-20, 23, 32-34, 36, 42-44, and 47 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of the claims of issued U.S. Patent No. 6,226,776 B1.

The rejection of pending claims 1-7, 11, 13, 25-31, 35, 37, and 49-55 under 35 U.S.C. § 101 as allegedly claiming the same invention claimed by claims 1-54 of issued U.S. Patent No. 6,226,776 B1 is respectfully traversed. It can be readily discerned by comparing the subject matter defined by pending claims 1-7, 11, 13, 25-31, 35, 37, and 49-55 with the subject matter defined by claims 1-54 of issued U.S. Patent No. 6,226,776 B1 that the subject matter defined by pending claims 1-7, 11, 13, 25-31, 35, 37, and 49-55 is either patentably distinct by being drawn to different subject matter, or at most should have been made subject to a provisional rejection under the judicially created doctrine of obviousness-type double patenting in view of the claims of issued U.S. Patent No. 6,226,776 B1.

Considered in more detail, the pending application contains independent claims 1, 25, and 49. U.S. Patent No. 6,226,776 B1 contains independent claims 1, 6, 12, 18, 23, 28, 33, 39, 45, and 50.

None of pending independent claims 1, 25, and 49 recites various steps recited by the independent claims of U.S. Patent No. 6,226,776 B1, and thus the pending independent claims are not drawn to identical subject matter claimed in that patent. For example, independent claims 1, 6, 12, 18, 23, 28, 33, 39, 45, and 50 of U.S. Patent No. 6,226,776 B1 recite "compiling a C-type program control flow into an HDL state machine", "assigning input/output as defined in the C-type program to specific wires in the HDL synthesizable design", and "configuring in the HDL synthesizable design an interface for a gate-level hardware representation". None of these steps is recited by any of pending independent claims 1, 25, and 49. Consequently, pending independent claims 1, 25, and 49 are drawn to different subject matter than the independent claims of U.S. Patent No. 6,226,776 B1. Therefore, it is respectfully submitted that pending independent claims 1 (and pending dependent claims 2-7, 11, and 13, which depend from pending independent claim 1); 25 (and pending dependent claims 26-31, 35, and 37, which depend from pending independent claim 25); and 49 (and pending dependent claims 50-55, which depend from pending independent claim 49) are

either presently allowable as being drawn to patentably distinct subject matter, or that the rejection should have been provisional and is therefore obviated by the accompanying terminal disclaimer.

As indicated by the Examiner, a timely filed terminal disclaimer in compliance with Rule 321(c) (37 C.F.R. § 321(c)) may be used overcome the provisional rejection of pending claims 8-10, 12, 18-20, 23, 32-34, 36, 42-44, and 47. An appropriate terminal disclaimer accompanies this Amendment.

In view of the Terminal Disclaimer, it is submitted that the application is in condition for allowance. Early action and allowance of the application are earnestly solicited.

Respectfully submitted,

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October 3, 2003